

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Equal Employment Opportunity
Commission,

NO. C 10-00152 JW

Plaintiff,

**REVISED ORDER GRANTING MOTION
TO INTERVENE**

v.

Monterey Gourmet Foods, Inc.,

Defendant.

Presently before the Court is Intervenor Plaintiffs' Motion for Leave to Intervene.¹ The Court finds it appropriate to take the matter under submission without oral argument. See Civ. L.R. 7-1(b). Plaintiff and Defendant have both filed Statements of Non-Opposition. (See Docket Item Nos. 10, 21.) Intervenor Plaintiffs seek to intervene in this action to bring federal and state law claims against Defendant.

Under Federal Rule of Civil Procedure 24, "[o]n timely motion, the court must permit anyone to intervene who . . . (1) is given an unconditional right to intervene by a federal statute." When the EEOC brings a civil action against an employer under Title VII, federal law provides that "the charging party [*i.e.*, the aggrieved employee] may intervene as a matter of right." E.E.O.C. v. Federal Exp. Corp., 558 F.3d 842, 849 (9th Cir. 2009). In determining timeliness under Rule 24, a court should consider "(1) the stage of the proceeding; (2) prejudice to other parties; and (3) the

¹ (hereafter, "Motion," Docket Item No. 9.) Intervenor Plaintiffs are Maria Dolores Perez, Manuel Soto, Juanita Velasquez, and Maria Isabel Lucio.

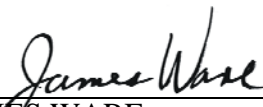
1 reason for and the length of the delay.” Alaniz v. Tillie Lewis Foods, 572 F.2d 657, 659 (9th Cir.
2 1978).

3 In this case, Intervenor Plaintiffs are the charging parties in the EEOC’s Complaint. (See
4 Complaint ¶ 8.) As the charging parties, they have a right to intervene under Title VII if their
5 Motion is timely. Intervenor Plaintiffs filed their Motion on March 10, 2010, approximately two
6 months after the Complaint was filed. No discovery schedule has been set in this case, and it
7 appears that Defendant would not suffer prejudice if the Court granted the Motion. In light of the
8 early stage of the proceedings and the lack of prejudice to Defendant, the Court finds that Intervenor
9 Plaintiffs may intervene in this case.

10 Accordingly, the Court GRANTS Intervenor Plaintiffs’ Motion. On or before **June 7, 2010**,
11 Intervenor Plaintiffs shall file their Complaint in Intervention.

12 In light of this Order, the Court CONTINUES the Case Management Conference currently
13 set for June 7, 2010 to **June 28, 2010 at 10 a.m.** provide all parties sufficient time to meet and
14 confer. On or before **June 18, 2010**, the parties shall file a Joint Case Management Statement. The
15 Statement shall include, among other things, a good faith discovery schedule with a proposed date
16 for the close of all discovery.

17
18 Dated: May 27, 2010



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: May 27, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy